

REMARKS

The Non-Final Office Action of January 19, 2010, has been reviewed and these remarks are responsive thereto.

Status of the Claims

Claims 12-20 have previously been canceled. Claim 35 is cancelled by this amendment. Claims 37 and 38 are new. Claims 1, 7, 21, 34, and 36 are amended to further clarify the scope of protection. Thus, claims 1-11, 21-34, and 36-38 are pending.

Substance of Interview

The applicants thank the examiner for the telephonic interview conducted on April 5, 2010. Pursuant to MPEP 713.04, this response includes the substance of the interview.

References to Figures 11a-11c in the Specification

During the interview, it was noted that the original specification referenced Figs. 11a-11c, which are not present in the application. These references to Figs. 11a-11c have already been deleted via a preliminary amendment filed on December 21, 2001.

Rejections Under 35 U.S.C. § 112

Claims 1, 21, and 34-36 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. As agreed during the April 5th examiner interview, this rejection has been overcome. Claim 35 is cancelled by the present amendment, rendering the rejection moot. With respect to the other claims, the rejection is respectfully traversed. The action alleges that “to modify the one or more search request criteria with the produced list of keywords” is unsupported by the specification. An excerpt from the specification is reproduced below. This excerpt is an example of the descriptions in the specification that convey to one skilled in the art that the applicant possessed the inventions claimed in claims 1, 21, 34, and 36:

Word items that fall within the suggestion vector range may be appended to a search request form to create an augmented search

request form that may be used by the search request processor 303 to return suggested content results.

(p. 18, lines 14-17).¹

As explained in the quote above, search request criteria, such as the criteria in a search request form, may be modified with a produced list of keywords, such as word items that fall within the suggestion vector range. The modification may take place by, for example, appending the produced list of words to the search request criteria.

Regarding claim 34, the action also alleges that “a search request processor configured to search the metadata based on the modified one or more search request criteria” is unsupported by the specification. As indicated by the example quoted above, a search request processor, such as processor 303, may search the metadata based on the modified one or more search request criteria, such as the augmented search request. The applicant notes that other portions of the specification also support the above-referenced terms, such as lines 26-31 of page 19.

Rejection Of Independent Claims Under 35 U.S.C. § 103(a)

Claims 1, 21, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Balogh (USP 5,493,677) (hereinafter *Balogh*), in view of Dudkiewicz (USP 6,651,253) (hereinafter *Dudkiewicz*), further in view of Bowman (USP 6,006,225) (hereinafter *Bowman*). The rejection is respectfully traversed.

As amended, independent claim 1 recites:

wherein the suggestion database processor is configured to receive one or more search request criteria, to produce a list of keywords, to modify the one or more search request criteria with the produced list of keywords, and to initiate a search of the suggestion database using the modified one or more search request criteria in response to receiving the one or more search request criteria.

The office action admits that *Balogh* and *Dudkiewicz* are “not as detailed” with respect to modifying the one or more search request criteria with the produced list of keywords. The action instead relies on *Bowman* for this feature. *Bowman* is “a search engine... which suggests related terms to the user to allow the user to refine a search.” (abstract). The action alleges that the present query discussed in *Bowman* is the one or more search request criteria, and that the related

1. The above quotation reflects the deletion of “(see Figures 11a-11b)” in the December 21, 2001 preliminary amendment.

terms list that *Bowman* presents to the user is the modified one or more search request criteria. Amended Claim 1, however, requires that the suggestion database processor be configured to “initiate a search of the suggestion database using the modified one or more search request criteria in response to receiving the one or more search request criteria.” This is not the case in the cited portions of *Bowman*, which returns the related terms list (the alleged modified one or more search request criteria) to the user rather than initiating a search of a database using the related terms list in response to receiving the present query.

Neither *Balogh* nor *Dudkiewicz* cure the above deficiency of *Bowman*. To this end, the applicant notes that the office action cites column 12, line 39 through column 13, line 8 of *Dudkiewicz* as allegedly teaching a suggestion database processor configured to search the suggestion database based on one or more search request criteria. But the cited portion of *Dudkiewicz* relates to the functionality of “the metadata generator,” which generates keywords through analysis of descriptive data. In any case, the cited portion of *Dudkiewicz* does not teach a suggestion database processor configured to initiate a search of the suggestion database using the modified one or more search request criteria in response to receiving the one or more search request criteria, as recited in amended claim 1.

Amended claims 21 and 36 are allowable over the cited art for at least similar reasons to those discussed above.

As discussed during the interview, the amended claims do not contain new matter. *See, e.g.*, p. 15, line 25 – p. 16, line 2 and p. 16, line 28- p. 17, line 2.

Rejections Of Dependent Claims Under 35 U.S.C. § 103(a)

Claim 34 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Balogh* in view of *Dudkiewicz*, and further in view of *Bowman*.

Claims 2-3, 5-11, 22-23, and 26-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Balogh* in view of *Dudkiewicz*, further in view of *Bowman*, and further in view of *Cappi* (US 20020038308) (hereinafter *Cappi*).

Claims 4, 24, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Balogh*, in view of *Dudkiewicz*, further in view of *Bowman*, further in view of *Cappi*, and further in view of *Karaali* (USP 6,182,028) (hereinafter *Karaali*).

Claims 2-11 and 22-34 each depend from claim 1 or claim 21. Neither *Cappi* nor *Karaali*,

alone or in combination, cures the defects of *Balogh*, *Dudkiewicz*, and *Bowman* with regard to claims 1 and 21. As such, claims 2-11 and 22-34 are allowable for at least the reasons discussed above with respect to their base claims, and further in view of the features recited therein.

New Claims

New claims 37 and 38 are fully supported by the specification. They depend from claim 1 and are therefore allowable for at least the reasons discussed above and further in view of the features recited therein.

Conclusion

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the number below.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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